## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA	) 2-09CD424	
Plaintiff,	) 8:08CR121 )	
vs.	) DETENTION ORDER	
JAVIER TORRES-AYESTAS,	<b>)</b>	
Defendant.	<b>'</b>	
After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on April 2, 2008, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).		
<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.         By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.     </li> </ul>		
which was contained in the Pi X (1) Nature and circum X (a) The crime: or in violation is ten years is violation of consecutive (b) The offense (c) The offense (d) The offense (d) The offense (a) General Fa  X (3) The history and che (a) General Fa  X The X The X The X The X The The Cook	e defendant appears to have a mental condition which y affect whether the defendant will appear. e defendant has no family ties in the area. e defendant has no steady employment. e defendant has no substantial financial resources. e defendant is not a long time resident of the community. e defendant does not have any significant community.	

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		Probation	
		Parole	
		Release pending trial, sentence, appeal or completion of	
		sentence.	
(c)	Other F	Other Factors:	
. ,	X	The defendant is an illegal alien and is subject to	
		deportation.	
		The defendant is a legal alien and will be subject to	
		deportation if convicted.	
	X	The Bureau of Immigration and Custom Enforcement	
		(BICE) has placed a detainer with the U.S. Marshal.	
	X	Other: the defendant has an outstanding warrant of	
		removal which was issued by an Immigration Judge in	
		November 2005.	

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: April 2, 2008. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge